The National Counterterrorism Center (NCTC)—Responsibilities and Potential Congressional Concerns

Richard A. Best Jr.
Specialist in National Defense

January 15, 2010

Congressional Research Service
7-5700
www.crs.gov
R41022

CRS Report for Congress
Prepared for Members and Committees of Congress

Report Documentation Page

Form Approved
OMB No. 0704-0188

1. REPORT DATE	2. REPORT TYPE	3. DATES COVERED
15 JAN 2010		**00-00-2010 to 00-00-2010**

4. TITLE AND SUBTITLE	5a. CONTRACT NUMBER
The National Counterterrorism Center (NCTC)?Responsibilities and Potential Congressional Concerns	5b. GRANT NUMBER
	5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)	5d. PROJECT NUMBER
	5e. TASK NUMBER
	5f. WORK UNIT NUMBER
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **Congressional Research Service,Library of Congress,101 Independence Ave., SE,Washington,DC,20540-7500**	8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release; distribution unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			
unclassified	**unclassified**	**unclassified**	**Same as Report (SAR)**	**13**	

Summary

The National Counterterrorism Center (NCTC) was established in 2004 to ensure that information from any source about potential terrorist acts against the U.S. could be made available to analysts and that appropriate responses could be planned. Investigations of the 9/11 attacks had demonstrated that information possessed by different agencies had not been shared and thus that disparate indications of the looming threat had not been connected and warning had not been provided. As a component of the Office of the Director of National Intelligence, the NCTC is composed of analysts with backgrounds in many government agencies and has access to various agency databases. It prepares studies ranging from strategic assessment of the future terrorist threats to daily briefings and situation reports. It is also responsible, directly to the President, for planning (but not directing) counterterrorism efforts. The NCTC received a statutory charter in the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458); it currently operates with a staff of some 600 analysts from a headquarters in northern Virginia. The Senate must consent to the appointment of the NCTC Director.

Two recent incidents—the assassination by an Army Major of some 13 individuals at Fort Hood Army Base on November 5, 2009 and the failed attempt to trigger a bomb on an airliner approaching Detroit on December 25, 2009—led to increased concern about counterterrorism capabilities domestically and internationally. An Executive Branch assessment of the December bombing attempt concluded that, whereas information sharing had been adequate, analysts had failed to "connect the dots" and achieve an understanding of an ongoing plot. Attention has focused on the NCTC which is responsible for ensuring both the sharing of information and for all-source analysis of terrorist issues.

Congressional hearings have been scheduled to review what was known in advance about the individuals involved in these two incidents. Congress may choose to go further to review the statutory responsibilities of NCTC as well as the record of the Center since it was established in 2004. This Report will be updated as more information becomes available.

Contents

Contacts

Introduction

The attempted attack on a US-bound airliner on December 25, 2009 and the earlier shootings at Fort Hood Army Base in November 2009 have led to increased concerns about the effectiveness of the laws, regulations, and organizational relationships created in the aftermath of the 9/11 attacks to prevent future terrorist attacks. Although no system is infallible and the possibility of human errors has to be assumed, recent attacks appear to demonstrate specific failures by the Intelligence Community to "connect the dots," to bring together disparate pieces of information to provide clear warning of an impending attack. In regard to the December attack, President Obama stated that, "this was not a failure to collect intelligence; it was a failure to integrate and understand the intelligence that we already had."[1]

Within the sprawling U.S. Intelligence Community, the National Counterterrorism Center (NCTC) was specifically established to bring together all available information on terrorism, analyze the information, and provide warning of potential attacks on the U.S. Some observers argue that the failed December aircraft plot as well as other incidents raise questions about the NCTC's ability to carry out its responsibilities. The challenges involved in sifting through mountains of data on a daily or even an hourly basis are acknowledged and supporters point out many unpublicized successes by NCTC working with its sister agencies. Nevertheless, questions exist about the roles and missions of NCTC and whether it is fulfilling its statutory responsibilities. Potentially, there are also concerns about the relationship between NCTC and the Counterterrorism Center of the Central Intelligence Agency (CIA) which, prior to the establishment of NCTC, was responsible for performing much of NCTC's current mission.

Background

A central lesson that Congress and the Executive Branch drew from the 9/11 attacks was that there had been inadequate interagency coordination partially as a result of separate statutory missions and administrative barriers. A series of investigative and legislative initiatives followed. In October 2001, provisions encouraging the exchange of law enforcement and intelligence information were included in the USA Patriot Act (P.L. 107-56), sometimes described as "breaking down the wall" between intelligence and law enforcement. In February 2002 the two congressional intelligence committees established a Joint Inquiry into the activities of the U.S. Intelligence Community in connection with the terrorist attacks of September 11, 2001. By the following December, the Joint Inquiry concluded that, "for a variety of reasons, the Intelligence Community failed to capitalize on both the individual and collective significance of available information that appears relevant to the events of September 11."[2] The two intelligence committees recommended the establishment (within the newly created Department of Homeland Security (DHS)):

[1] , President Barack Obama, "The Urgency of Getting This Right," January 5, 2010.

[2] U.S. Congress, Senate Select Committee on Intelligence, House Permanent Select Committee on Intelligence, *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*, committee print, 107th Cong., December 2002, S.Rept. 107-351, H.Rept. 107-792, p. xv.

> . . .of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to:
>
> - have full and timely access to all counterterrorism-related intelligence information, including 'raw' supporting data as needed;
> - have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats;
> - integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities;
> - implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law;
> - retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on 'joint tours' from the various Intelligence Community agencies;
> - institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report;
> - maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and
> - establish and sustain effective channels for the exchange of counterterrorism-related information with federal agencies outside the Intelligence Community as well as with state and local authorities.[3]

At approximately the same time Congress, in the Homeland Security Act (P.L. 107-296), enacted on November 25, 2002, provided the new Department of Homeland Security (DHS) with a specific mandate for an Under Secretary for Information Analysis and Infrastructure Protection in DHS. The mission of this office was to:

> To access, receive, and analyze law enforcement.information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information in order to—
>
> (A) identify and assess the nature and scope of terrorist threats to the homeland;
>
> (B) detect and identify threats of terrorism against the United States; and

[3]Printed in S.Rept. 107-351/H.Rept. 107-792, Errata Print, pp. 5-6.

> (C) understand such threats in light of actual and potential vulnerabilities of the homeland.
>
> [and]
>
> To integrate relevant information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities.
>
> (4) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this section, including obtaining such information from other agencies of the Federal Government.[4]

The placement of this analysis center within DHS was not questioned prior to the signing of the Homeland Security Act in late November 2002, but there was, however, apparently considerable concern that DHS, as a new agency and not a longtime member of the Intelligence Community, would not be the best place for the integration of highly sensitive information from multiple government agencies. In the 2003 State of the Union address, President Bush revealed his instructions to "the leaders of the FBI, the CIA, the Homeland Security and the Department of Defense to develop a Terrorist Threat Integration Center, to merge and analyze all threat information in a single location."[5] Despite the statutory responsibilities of DHS for threat integration, in May 2003 the Terrorist Threat Integration Center (TTIC) was established (without a statutory mandate) to merge all threat information in a single location. Some Members of Congress expressed concerns about the possibility that the roles of the DHS intelligence analysis office and TTIC might be confused,[6] but DHS was a partner in TTIC and gradually came to concentrate on serving as a bridge between the national intelligence community and state, local, and tribal law enforcement agencies that had never been components of the national Intelligence Community.[7]

A year later, in July 2004, the 9/11 Commission (the National Commission on Terrorist Attacks Upon the United States), noting the existence of a number of various centers in different parts of the government assigned to combine disparate pieces of intelligence, called for the establishment of a National Counterterrorism Center built on the foundation of TTIC but having a responsibility for joint planning for responding to terrorist plots in addition to assessing intelligence from all

[4] P.L. 107-296, sec. 201.

[5] U.S. President, State of the Union Address, January 28, 2003. See also George Tenet with Bill Harlow, *At the Center of the Storm: My Years at the CIA* (New York: Harper Collins, 2007), p. 452.

[6] See U.S. Congress, 108th Congress, 1st session, House of Representatives, Committee on the Judiciary and the Select Committee on Homeland Security, *Terrorist Threat Integration Center (TTIC) and Its Relationship with the Departments of Justice and Homeland Security*, Joint Hearing, July 22, 2003, Serial No. 64, Committee on the Judiciary; Serial No. 108-19, Select Committee on Homeland Security.

[7] For recent intelligence efforts of DHS, see CRS Report R40602, *The Department of Homeland Security Intelligence Enterprise: Operational Overview and Oversight Challenges for Congress*, by Mark A. Randol.

sources. The NCTC would, according to the 9/11 Commission, compile all-source information on terrorism but also undertake planning of counterterrorism activities, assigning operational responsibilities to lead agencies throughout the Government.[8]

In August 2004 shortly after publication of the 9/11 Commission Report, President Bush issued Executive Order 13354, based on constitutional and statutory authorities, that established the National Counterterrorism Center as a follow-on to TTIC. The NCTC was to serve as the primary organization of the Federal Government for analyzing and integrating all intelligence possessed or acquired pertaining to terrorism or counterterrorism (except purely domestic terrorism) and serve as the central and shared knowledge bank on known and suspected terrorists. The NCTC would not just have the analytical responsibilities TTIC had possessed; it would also assign operational responsibilities to lead agencies for counterterrorism activities, but NCTC would not direct the execution of operations. The Director of the NCTC would be appointed by the Director of Central Intelligence (DCI) with the approval of the President.

Some Members of Congress, however, remained concerned about the status of NCTC, the likelihood that Congress would have no role in the appointment of its leadership, and the possibility that an interagency entity might not be responsive to congressional oversight committees. In December 2004 the Intelligence Reform and Terrorism Prevention Act (P.L. 108-458), implemented many of the 9/11 Commission's recommendations. The Act established the position of Director of National Intelligence (DNI) along with the Office of the DNI (ODNI) and it created an NCTC with a statutory charter and placed it within the ODNI.

In accordance with the 2004 Intelligence Reform Act and Terrorism Prevention Act, the Director of the NCTC was henceforth to be appointed by the President with the advice and consent of the Senate. The position of the NCTC Director is unusual, if not unique, in government; he reports to the DNI for analyzing and integrating information pertaining to terrorism (except domestic terrorism), for NCTC budget and programs; for planning and progress of joint counterterrorism operations (other than intelligence operations) he reports directly to the President. In practice, the NCTC Director works through the National Security Council and its staff in the White House.

Current NCTC Charter

For the first time, NCTC had a statutory charter. P.L. 108-458 sets forth the duties and responsibilities of the NCTC Director:

- to serve as principal adviser to the DNI on intelligence operations relating to terrorism;
- to provide strategic operational plans for military and civilian counterterrorism efforts and for effective integration of counterterrorism intelligence and operations across agency boundaries within and outside the US;

[8] See National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: Government Printing Office, 2004, especially pp. 400-406.

- to advise the DNI on counterterrorism programs recommendations and budget proposals'
- to disseminate terrorism information, including current terrorism threat analysis, to the President and other senior officials of the Executive Branch and to appropriate committees of Congress;
- to support the efforts of the Justice and Homeland Security Departments and other appropriate agencies in disseminating terrorism information to State and local entities and coordinate dissemination of terrorism information to foreign governments;
- to develop a strategy for combining terrorist travel intelligence operations and law enforcement planning and operations;
- to have primary responsibility within the Government for conducting net assessments of terrorist threats; consistent with presidential and DNI guidance, to establish requirements for the Intelligence Community in collecting terrorist information.[9]

The NCTC is to contain a "Directorate of Intelligence which shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations (except for purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence, whether collected inside or outside the United States."[10]The Intelligence Reform Act and Terrorism Prevention Act of 2004 also tasked the NCTC Director with undertaking strategic operational planning for counterterrorism operations. The statute specifies that strategic planning is to include the mission, objectives to be obtained, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities.[11] However, NCTC may not direct the execution of such operations.[12] In carrying out these planning responsibilities the NCTC Director is responsible statutorily to the President rather than the DNI. These unusual dual reporting responsibilities might lead to a situation in which the NCTC director could recommend policies to the President specifically opposed by the DNI.

The extent of NCTC's planning responsibilities are unclear. The legislation did not repeal the authorities of other agencies to collect counterterrorism intelligence or prepare for counterterrorism operations. NCTC can prepare and obtain approval for counterterrorism plans, but it cannot ensure implementation. Some observers have expressed concern that DOD's own planning responsibilities under Title X of the US Code could be complicated by the NCTC role.

Ongoing Activities

The official NCTC website, summarizes the organization's understanding of its responsibilities:

[9] P.L. 108-458, sec. 1021, 118 Stat. 3674; 50 USC 404o(f).

[10] 50 USC 404o(i).

[11] 50 USC 404o(j).

[12] 50 USC404o(g).

> Lead our nation's effort to combat terrorism at home and abroad by analyzing the threat, sharing that information with our partners, and integrating all instruments of national power to ensure unity of effort.

The website further states,:

> By law NCTC serves as the USG's [U.S. Government's]central and shared knowledge bank on known and suspected terrorists and international terror groups. NCTC also provides USG agencies with the terrorism analysis and other information they need to fulfill their missions. NCTC collocates more than 30 intelligence, military, law enforcement and homeland security networks under one roof to facilitate robust information sharing. NCTC is a model of interagency information sharing.

. . . .

> NCTC also provides the CT [counterterrorism] community with 24/7 situational awareness, terrorism threat reporting, and incident information tracking. NCTC hosts three daily secure video teleconferences (SVTC) and maintains constant voice and electronic contact with major intelligence and CT Community players and foreign partners.[13]

With the approval of P.L. 108-458 in December 2004 the NCTC was established in law. The first Director, retired Navy Admiral John Redd, was confirmed by the Senate in July 2005. Redd was succeeded by Michael E. Leiter who was confirmed in June 2008 and currently heads the Center. NCTC is housed in suburban Virginia and has a staff of some 500 officials of which some 60 percent are on detail from other agencies.

According to publicly available information, NCTC provides intelligence in a number of ways—items for the President's Daily Brief and the National Terrorism Bulletin both of which are classified. NCTC claims to provide the Intelligence Community with 24/7 situational awareness, terrorism threat reporting and tracking. According to one media report, "agency-integrated teams [are] assigned by subject matter and geography [to] turn out reports disseminated to thousands of policy and intelligence officials across the government. Agency representatives sit around a table three times daily—at 8 a.m., 3 p.m. and 1 a.m.—to update the nation's threat matrix."[14]

NCTC maintains databases of information on international terrorist identities (in a system known as the Terrorist Identities Datamart Environment (TIDE)) to support the Government's watchlisting system designed to identify potential terrorists. NCTC products are available to some 75 government agencies and other working groups and facilitates information sharing with state, local, tribal, and private partners.

NCTC has also established Intelligence Community-wide working groups—a Radicalization and Extremist Messaging Group and a Chemical, Biological, Radiological, Nuclear Counterterrorism Group and a working group for alternative analysis as part of an effort to improve the rigor and quality of terrorism analysis. NCTC also coordinates the DNI Homeland Threat Task Force that examines threats to the US from al Qaeda, other groups and homegrown violent extremists.

[13] http://www.nctc.gov/aboutus/about_nctc.html

[14] Karen DeYoung, "After Attempted Airline Bombing, Effectiveness of Intelligence Reforms Questioned,: *Washington Post*, January 7, 2010, p. A1.

Public information on NCTC's planning responsibilities is limited. One press account describes a National Implementation Plan for the National Strategy for Combating Terrorism prepared in June 2006. The Plan identified major objectives with more than 500 discrete counterterrorism tasks to be carried out by designated agencies. The objectives included disrupting terrorist groups, protecting and defending the homeland, and containing violent extremism.[15] Observers suggest that the primary benefit of such generalized planning is requiring agencies to coordinate their initiatives and providing an opportunity to reduce duplication of effort and ensure that specific tasks are not neglected. The 2006 implementation plan has reportedly been updated but no details have been made public.

Assessments of NCTC

From information available on the public record, NCTC appears to be structured to fulfill the mission it was assigned by the Intelligence Reform and Terrorism Prevention Act and other legislation. Most, if not all, congressional observers apparently believe, that NCTC's authorities are both appropriate and adequate.[16] NCTC's organization reflects the determination to create, within the Intelligence Community, an office that could gather information from all government agencies and from open sources, analyze the data, and provide policymakers with greater situational awareness and warning of planned attacks. According to all available reports, NCTC has access to the databases of all intelligence agencies and it can draw upon analytical resources throughout the government to supplement its own files, but it is unclear to what extent the disparate databases are technically compatible or whether they are, or can be, linked in ways that permit simultaneous searching.

One assessment of the NCTC undertaken by a student at the Army War college in 2007 concluded that "More than two years since its inception, however, the NCTC has arguably achieved neither an acceptable level of effectiveness nor efficiency in performing its intended role." The author, Army Col. Brian R. Reinwald, argued that in focusing on consolidating information from other agencies, the NCTC demonstrated "a seeming unwillingness to take a bold implementation approach and a preference to avoid bureaucratic conflict." Its "vision statement inauspiciously paints a picture of a non-confrontational think tank that identified issues, and attempts to merely influence the greater governmental efforts against counterterrorism." In sum, Reinwald argued that NCTC's approach "does not capture the literal roles and mission assigned by Congress, to plan, to integrate, delineate responsibility, and monitor." Moreover, the large percentage of detailees from other agencies in NCTC "sustains an environment that fosters continued loyalty of NCTC employees to their parent agencies rather than the NCTC itself." The author, taking an expansive view of the NCTC's role argues that "The U.S. requires a single federal entity focused on GWOT [Global War on Terror] counterterrorism strategy with the necessary authorities to integrate intelligence, conduct comprehensive interagency planning, compel specific action when required, and coordinate and synchronize the elements of national power for successful operations."[17]

---

[15] See Karen DeYoung, "A Fight Against Terrorism—and Disorganization," *Washington Post*, August 9, 2006; cited in Eric Rosenbach, "The Incisive Fight: Recommendations for Improving counterterrorism Intelligence," *Annals of the American Academy of Political and Social Science*, July 2008, p. 138.

[16] See U.S. Congress, 110th Congress, 2d session, Senate, Select Committee on Intelligence, *Nomination of Michael Leiter to be Director, National Counterterrorism Center*, Hearing, May 6, 2008, S. Hrg. 110-848.

[17] Brian R. Reinwald, "Assessing the National Counterterrorism Center's Effectiveess in the global War on Terror," (continued...)

Members of Congress have taken note of NCTCs ability to gather information from a variety of agencies and its contributions to preventing specific terrorist attacks. There remain concerns that the threat from Al Qaeda and other groups has not diminished.[18] In a visit to NCTC in October 2009, President Obama addressed the representatives, "it's clear for all to see—that you are one team—that you are more integrated and more collaborative and more effective than ever before."[19]

Two Recent Incidents

For NCTC as for the Intelligence Community as a whole, in many cases the successes go unreported while the failures are trumpeted. However, two incidents in late 2009 led to widespread publicity about information sharing and counterterrorism analysis that led to significant congressional interest. Reports of the multiple assassinations that occurred in Fort Hood Army Base in Texas on November 5, 2009 led to expressions of concern about the Government's counterterrorism capabilities. The extent of NCTC's role, if any, in gathering information about Major Nidal M. Hasan prior to the incident has not been made available publicly. As Major Hasan was both a U.S. citizen and a commissioned officer much relevant information would have come from internal DOD information that would not necessarily be shared with NCTC. Press reports indicate, however, that he had been in contact with a known terrorist living in Yemen[20]. This type of information might have come to the attention of law enforcement and intelligence agencies and could have been available to NCTC. Whether NCTC did access such information and whether it notified the Army or other DOD elements is unknown. Ongoing investigations will probably provide more background on NCTC's role, but Congress may move to undertake its own assessment.

The December 25, 2009 incident in which a Nigerian traveler, Umar Farouk Abdulmutallab, attempted to set off an incendiary device onboard an aircraft approaching Detroit was a more straightforward foreign intelligence problem. It did not involve a U.S. citizen nor was he an employee of the US Government. In this case, according to the Obama Administration, it was not the availability or the interagency sharing of data that was the problem; there were no major difficulties in collecting or sharing information (as had been the case prior to 9/11). The problem in December 2009 was inadequate analysis. Despite the information "available to all-source analysts at the CIA and the NCTC prior to the attempted attack, the dots were never connected and, as a result, the problem appears to be more about a component failure to 'connect the dots,' rather than a lack of information sharing."[21] The Administration has pointed to several specific failures by the counterterrorism community generally and NCTC in particular: "NCTC and CIA personnel who are responsible for watchlisting did not search all available databases to uncover

(...continued)

U.S. Army War College Strategy Research Project, March 20, 2007.

[18] See the comments of Senators Lieberman and Collins during a hearing by the Senate Homeland Security and Governmental Affairs Committee, Eight Years After 9/11: Confronting the Terrorist Threat to the Homeland, September 30, 2009, Federal News Service transcript.

[19] Remarks by President Obama at the National Counterterrorism Center (NCTC), McLean, Virginia, October 6, 2009.

[20] Carrie Johnson, Spencer S. Hsu and Ellen Nakashima, "Hasan Had Intensified Contact with Cleric," *Washington Post*, November 21, 2009.

[21] White House, "Summary of the White House Review of the December 25, 2009 Attempted Terrorist Act," January 7, 2010.

additional derogatory information that could have been correlated with Mr. Abdulmutallab." Further, "A series of human errors occurred—delayed dissemination of a finished intelligence report and what appears to be incomplete/faulty database searches on Mr. Abdulmutallab's name and identifying information." There was not a process for tracking reports and actions taken in response and there appears to have been a greater concern with the threat posed to American interests in Yemen than to the possibility of an attack by Al Qaeda in the Arabian Peninsula (AQAP) on the US Homeland. The extent to which such failings belong solely or even significantly to NCTC as opposed to other agencies is as yet undetermined.

Potential Congressional Concerns

The Executive Branch is undertaking several investigations of the Fort Hood shooting and the December 25 airline attack. The reports may indicate organizational problems or individual malfeasance and Congress may choose to review those investigations. However, there may also be interest in a wider-ranging assessment of the role of various agencies and how they work together. In particular, Congress may act to review the statutory framework that created the NCTC in 2004 and how the Center has functioned in the years since. In particular, Congress may wish to satisfy itself that the NCTC has access to all appropriate information and intelligence. It may wish to assure itself that detaillees to the NCTC from other agencies are highly qualified and committed to the Center's mission and do not see their role as protecting their agency's bureaucratic equities. Congress may wish to assess the availability of adequate technologies at NCTC for accessing and sharing information.

Although significant efforts have been made to remove the "wall" between law enforcement and intelligence, there may be residual barriers especially those resulting from separate bureaucratic cultures. As in the case of Major Hassan the natural tendency to avoid over-involvement in law enforcement or the personnel policies of a cabinet department may have influenced the handling of information relating to contacts between a US person and a suspected terrorist in another country. Concern has also been expressed that NCTC might rely on authorities available to foreign intelligence agencies that do not encompass the restrictions on domestic intelligence gathering and law enforcement operations and that this approach may jeopardize privacy rights.[22] Congress might seek additional information on NCTC policies regarding privacy rights of US persons.

Congress exerts its greatest influence through authorization and appropriations legislation. However, NCTC is not a large collection agency and its relatively small budget goes mainly for personnel expenses. Some in Congress may find the number of NCTC personnel either excessive or inadequate, but changes in the number of positions would affect the NCTC budget but in relatively small amounts in comparison to the $49+ billion budget for all national intelligence programs. Some observers have argued that NCTC's information technology capabilities need to be enhanced, but it is unlikely that the budgetary implications would be dramatic.

There will undoubtedly be varying assessments of NCTC's analytical products; observers argue, however, that judging the overall quality of analytical efforts can be challenging. Analysis is an intellectual exercise that incorporates education and training, experience, insight, determination

[22] See Hon. Bennie G. Thompson, "The National Counterterrorism Center: Foreign and Domestic Intelligence Fusion and the Potential Threat to Privacy," *University of Pittsburgh Journal of Technology Law & Policy*, Spring 2006, p. 6.

and occasionally elements of luck. Simply replacing current officials with those with greater education, or paying them more or giving them more (or less) supervision will not guarantee better results. Some argue that the best approach is to build and maintain a culture of excellence.

The unusual dual mission of the NCTC and the different reporting responsibilities of the NCTC Director to the DNI and the President may be a source of congressional interest. Are there contradictions between the two missions? Has the NCTC Director's direct link to the President caused difficulties with his relationship with the DNI? Does the NCTC monitor the responses of other agencies to analytical information it provides?

What role does the CIA's Counterterrorism Center currently have and how do the two entities interact? Does the NCTC become involved in planning covert actions? Is there beneficial or counterproductive competition between the two centers?

In general, how has NCTC's strategic analysis of the overall terrorist threat evolved in recent years? Is the relationship between strategic analyses and operational planning been carefully reviewed? What is the NCTC's current role in dealing with different agency approaches to specific terrorist threats? To what extent does the NCTC Director choose options and to what extent are different proposals forwarded to the National Security Council staff?

Arguably most important, however, is the capability of ensuring that analysts are integrated into the counterterrorism effort, that operational planning is shared with analytical offices so that particular reactions or threats can be anticipated and assessed. The most important "wall" may not be the one that existed between law enforcement and intelligence agencies prior to 2001, but the one that often persists between analysts and operators. The latter may lack the time and opportunity to integrate analytical efforts into their ongoing work, but if the country is aiming for a "zero defects" approach to terrorism, close attention to intelligence is a prerequisite. Some experienced observers maintain that "zero defects" is unrealizable, some failures are inevitable and argue that it is more responsible to minimize failures and limit their effects. The use of intelligence by policymakers and military commanders is in largest measure the responsibility of the Executive Branch, but some observers argue that the quality of analysis may be enhanced when analytical efforts are regularly reviewed by congressional committees and hearings are conducted to ensure that they are properly prepared and fully used.

Author Contact Information

Richard A. Best Jr.
Specialist in National Defense
rbest@crs.loc.gov, 7-7607